

**Exhibit 1**  
**Summons and Complaint**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

MARISOL JAVIER, as the Mother and Natural  
Guardian of A [REDACTED], an infant under the  
age of fourteen (14) years and MARISOL JAVIER,  
Individually

Plaintiffs,

-against-

HYDE LEADERSHIP CHARTER SCHOOL, PETER  
ANDERSON, JANE DOE TEACHER AND NEW YORK  
DEPARTMENT OF EDUCATION

Defendants.

Index No.

Plaintiff designates  
BRONX  
County as the place of trialThe basis of the venue is  
Plaintiff's residence**Summons**Plaintiff's place of residence:  
870 South Boulevard  
Bronx, NY 10459

County of Bronx

To the above named Defendants:

**You are hereby summoned** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: White Plains, New York  
October 13, 2013

**Defendants address:**  
HYDE LEADERSHIP CHARTER SCHOOL  
730 Bryant Avenue  
Bronx, New York 10474

PETER ANDERSON  
HYDE LEADERSHIP CHARTER SCHOOL  
730 Bryant Avenue  
Bronx, New York 10474

NEW YORK CITY DEPARTMENT OF EDUCATION  
65 Court Street  
Brooklyn, NY 11201  
Attn.: Chancellor Carmen Farina

JOSEPH A. MARIA, P.C.

By: \_\_\_\_\_  
Joseph A. Maria, Esq.  
Attorneys for Plaintiff's  
Office and Post Office Address  
301 Old Tarrytown Road  
(914) 684-0333  
File No.: 01-2195

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
MARISOL JAVIER, as the Mother and Natural Guardian  
of A [REDACTED] J. [REDACTED], an infant under the age of fourteen  
(14) years, and MARISOL JAVIER, Individually

Index No.:

F. [REDACTED]  
Plaintiffs

VERIFIED COMPLAINT

-against-

HYDE LEADERSHIP CHARTER SCHOOL, PETER  
ANDERSON, JANE DOE TEACHER and NEW YORK  
CITY DEPARTMENT OF EDUCATION

Defendants.

-----X

Plaintiff's MARISOL JAVIER , as the Mother and Natural Guardian of A [REDACTED] J. [REDACTED],  
an infant under the age of fourteen(14) years, and MARISOL JAVIER, Individually, by their  
attorneys JOSEPH A. MARIA, P.C. , complaining of the Defendants, respectfully alleges as  
follows:

**FIRST:** At all times hereinafter mentioned Plaintiff MARISOL JAVIER was the mother  
and natural guardian of A [REDACTED] J. [REDACTED] , who is an infant under the age of fourteen (14) years of  
age.

**SECOND:** At all times hereinafter mentioned and continuing to the present were and are  
the Plaintiffs residents of the County of Bronx and State of New York.

**THIRD:** At all times hereinafter mentioned Defendant HYDE LEADERSHIP  
CHARTER (Hereinafter referred to as Defendant Hyde) was a not for profit educational  
corporation formed under the existing by virtue of New York State law.

**FOURTH:** At all times hereinafter mentioned Defendant HYDE owned, operated and  
managed a Charter School pursuant to an absolute Charter issued to it by New York State Board

of Regents at 730 Bryant Avenue, Bronx, New York and 830 Hunts Point Avenue, Bronx, New York.

**FIFTH:** At all times hereinafter mentioned Defendant CITY OF NEW YORK DEPARTMENT OF EDUCATION (Board of Education) (Hereinafter referred to as Defendant Department) was and continues to be a municipal department or agency formed under and existing by virtue of New York State law.

**SIXTH:** At all times hereinafter mentioned Defendant DEPARTMENT was and continues to be a charter entity as defined by Section 2833 of the New York State Charter School Act of 1998 (as amended) as agents to Defendant Hyde's status as a Charter School operated within the City of New York.

**SEVENTH:** In the form and within the time period required by New York General Municipal Law Section 50-e and other applicable statutes, Plaintiffs served a Notice of Claim upon the Defendants.

**EIGHTH:** Defendants waived their right to a General Municipal law Section 50-H Hearing by not requesting that Plaintiffs submit to such an examination.

**NINTH:** More than ninety (90) days have elapsed since Plaintiffs served their Notice of Claim the Defendants have refused or neglected to compromise, settle or adjust their claims.

**TENTH:** In the Fall 2014 School Semester Defendant HYDE provided educational services to students and grades Kindergarten through Twelfth (12) - in its 730 Bryant Avenue, Bronx, New York location.

**ELEVENTH:** In the Fall Semester Defendant HYDE hired and employed the teachers who taught its students enrolled in its Kinder through Fifth Grade program, including Defendant JANE DOE TEACHER.

**TWELFTH:** In the Fall 2014 Semester Defendant HYDE hired and employed school administrators, including the Director of its Kindergarten to Fifth Grade program to direct, manage and operate its Charter School, specifically its Kindergarten through Fifth Grade school program.

**THIRTEENTH:** In the Fall 2014 Fall Semester Defendant Peter Anderson was Defendant HYDE's Kindergarten through fifth (5<sup>th</sup>) grade program director.

**FOURTEENTH:** In the Fall 2014 school semester Defendant Jane Doe was employed by Defendant HYDE as a teacher in its Kindergarten through Fifth (5<sup>th</sup>) program.

**FIFTEENTH:** In the Fall 2014 school semester the infant Plaintiff was enrolled in the Second grade.

**SIXTEENTH:** In the Fall 2014 School Semester Defendant Jane Doe Teacher was the infant Plaintiff's teacher.

**SEVENTEENTH:** At all times hereinafter mentioned Defendant HYDE, by its administrators and teachers, was required to provide its students with proper, adequate and timely supervision, protection and guidance and protect them from illegal and harmful acts of bullying and unlawful and unauthorized physical contact by other students.

**EIGHTEENTH:** At all times hereinafter mentioned Defendant HYDE was required to have in full force and effect a written policy and protocol which addressed student bullying in its school.

**NINETEENTH:** At all times hereinafter mentioned Defendant HYDE was required to enforce said bullying written policy and protocol, by its administrators, teachers and students.

**AS AND FOR A FIRST CAUSE OF ACTION IN FAVOR OF**  
**PLAINTIFFS AND AGAINST DEFENDANTS**

**TWENTIETH:** The Plaintiffs repeat, reiterates and realleges each and every allegation contained in paragraphs "FIRST" though "NINETEENTH" of this Complaint.

**TWENTY-FIRST:** In October 9, 2014 and prior thereto the infant Plaintiff A [REDACTED] J [REDACTED] was a Second grade student in Defendant HYDE'S Charter School.

**TWENTY-SECOND:** In October 9, 2014 and prior thereto Defendant JANE DOE was the infant Plaintiff A [REDACTED] J [REDACTED]'s teacher.

**TWENTY-THIRD:** In and prior to October 9, 2014 STEVE (last name not known) and HARLAN (last name not known) were classmates of the infant Plaintiff A [REDACTED] J [REDACTED] and students of Defendant JANE DOE.

**TWENTY-FOURTH:** Prior to October 9, 2014 fellow students Steve and Harlan without permission, just reason or provocation made forceful physical contact with the infant Plaintiff A [REDACTED] J [REDACTED]'s genitalia while on the Defendant HYDE'S Charter School premises and while all three (3) students were under the supervision, guidance, direction and control of its administrators and teachers.

**TWENTY-FIFTH:** On October 9, 2014 fellow students Steve and Harlan made additional and further forced physical contact with the infant Plaintiff A [REDACTED] J [REDACTED] genitalia while on Defendant Hyde's Charter School premises and under the supervision, guidance, direction and control of its administrators and teachers.

**TWENTY-SIXTH:** The actions of fellow students Steve and Harlan constituted bullying of the infant Plaintiff A [REDACTED] J [REDACTED].

**TWENTY-SEVENTH:** In October 9, 2014 the infant Plaintiff A [REDACTED] J [REDACTED] advised his teacher JANE DOE of fellow students Steve and Harlan's improper physical contact with his genitalia.

**TWENTY-EIGHTH:** Defendant JANE DOE dismissed the infant Plaintiff A [REDACTED]

J [REDACTED] 's complaints and took no action to lend comfort and assistance to him or investigate his report of bullying and inappropriate sexual contact.

**TWENTY-NINTH:** The physical contact by fellow students Steve and Harlan caused personal injury to the infant genitalia which was first discovered by Plaintiff MARISOL JAVIER on October 10, 2014.

**THIRTIETH:** The Plaintiff MARISOL JAVIER, upon learning of the infant Plaintiff being sexually contacted by Steve and Harlan, notified Defendant HYDE' administrators.

**THIRTY-FIRST:** The Plaintiff MARISOL JAVIER, specifically advised Defendant Hyde's administrator, including Defendant Anderson, of the infant Plaintiff's having been the victim of bullying and sexual abuse. She specifically advised him that all questioning of the infant A [REDACTED] J [REDACTED] was to be done by New York City Police Department personnel or special Social Worker.

**THIRTY-SECOND:** In direct contradiction of the Plaintiff MARISOL JAVIER's express instruction, three (3) of Defendant Hyde's administrators interrogated the infant Plaintiff A [REDACTED] J [REDACTED] without her or any other person authorized by her present.

**THIRTY-THIRD:** As a result of the bullying and sexual abuse committed against the infant Plaintiff A [REDACTED] J [REDACTED] 's fellow students he sustained and continues to sustain both physical and emotional and psychological injuries and conditions.

**THIRTY-FOURTH:** Defendants HYDE, ANDERSON and JANE DOE Teacher knew or should have known of the prior bullying and sexual abuse to which the infant Plaintiff A [REDACTED] J [REDACTED] was a victim.

**THIRTY-FIFTH:** Defendants HYDE by its administrators and teachers failed to formulate, put in practice and enforce rules to prevent bullying in its Charter School.

**THIRTY-SIXTH:** Defendants were negligent in their operation, management, direction and control of their Charter School as a result of which the infant Plaintiff A[REDACTED] J[REDACTED] was victimized by his fellow students' bullying and offensive physical contact.

**THIRTY-SEVENTH:** Defendants were further negligent in disregarding the Plaintiff's clearly expressed direction that their administrators and teachers were not to interrogate the infant Plaintiff A[REDACTED] J[REDACTED].

**THIRTY-EIGHTH:** As a direct result of the Defendants actions and omissions the Plaintiff was caused to become depressed and anxious and refused to continue to attend Defendants' Charter School. He required a transfer to another school for which the Plaintiff MARISOL JAVIER pays tuition.

WHEREFORE the Plaintiffs demand Judgment against the Defendants on their First Cause in an amount which exceeds the jurisdictional amount of all Lower Courts.

Dated: White Plains, New York  
October 13, 2015

Respectfully Submitted,

JOSEPH A. MARIA, P.C.

By: \_\_\_\_\_  
Joseph A. Maria, Esq.  
Attorneys for Plaintiffs  
301 Old Tarrytown Road  
White Plains, New York 10603  
(914) 684-0333  
File No.: 01-2195

TO: HYDE LEADERSHIP CHARTER SCHOOL  
730 Bryant Avenue  
Bronx, New York 10474

PETER ANDERSON  
HYDE LEADERSHIP CHARTER SCHOOL  
730 Bryant Avenue  
Bronx, New York 10474

NEW YORK CITY DEPARTMENT OF EDUCATION  
65 Court Street  
Brooklyn, NY 11201  
Attn.: Chancellor Carmen Farina

## VERIFICATION

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER )ss.:  
 )

EDWARD A. FREY, ESQ., says that:

I am the attorney of record, or of counsel with the attorney(s) of record, for Plaintiffs Marisol Javier, as Mother and Natural Guardian of A[REDACTED] J[REDACTED], an infant under the age of fourteen (14) years and Marisol Javier, Individually. I have read the annexed COMPLAINT know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following. Facts on file.

The reason I make this affirmation instead of Plaintiffs is that Plaintiffs reside outside the county wherein my offices are located.

I affirm that the foregoing statements are true under penalties of perjury.

\_\_\_\_\_  
Joseph A. Maria, Esq.

Dated: White Plains, New York  
October 13, 2015

MARISOL JAVIER, as the Mother and Natural Guardian of ALEXANDRA JAVIER, an infant under the age of fourteen (14) years and MARISOL JAVIER, Individually

Plaintiffs,

-against-

HYDE LEADERSHIP CHARTER SCHOOL, PETER ANDERSON, JANE DOE TEACHER AND NEW YORK DEPARTMENT OF EDUCATION

Defendants.

### VERIFIED COMPLAINT

**JOSEPH A. MARIA, P.C.**

Attorney(s) for Plaintiffs

Our File No.: 01-2195(jc)

301 OLD TARRYTOWN ROAD  
WHITE PLAINS, NEW YORK 10601  
(914) 684-0333

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certified that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:.....

Signature.....

Print Signer's Name.....

Service of a copy of the within

is hereby admitted.

Dated:.....

.....  
Attorney(s) for

### PLEASE TAKE NOTICE

that the within is a (certified) true copy of a  
NOTICE OF ENTRY entered in the office of the clerk of the within name Court on , 2009

that an Order of which the within is a true copy will be presented for settlement to the  
NOTICE OF SETTLEMENT Hon. One of the judges of the within named Court,  
at 20 , at M.

Dated:.....

**JOSEPH A. MARIA, P.C.**

Attorney(s) for

To:

301 OLD TARRYTOWN ROAD  
WHITE PLAINS, NEW YORK 10603  
(914) 684-0333

Attorney(s) for